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RESOLUTION NO. 05-632

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF **21ST STREET NORTH AND FOUNDERS CIRCLE (SOUTH OF 21ST, WEST OF 127TH ST. EAST) 472-84331** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING A TRAFFIC SIGNAL AT THE INTERSECTION OF **21ST STREET NORTH AND FOUNDERS CIRCLE (SOUTH OF 21ST, WEST OF 127TH ST. EAST) 472-84331** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct a traffic signal at the intersection of **21st Street North and Founders Circle (south of 21st, west of 127th St. East) 472-84331**.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to **One Hundred Fifty Thousand Dollars (\$150,000)** exclusive of the cost of interest on borrowed money, with **50** percent payable by the improvement district and **50** percent payable by the City at Large. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **October 1, 2005** exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

WICHITA CLINIC ADDITION

Lot 1, Block 1

TRINITY ACADEMY ADDITION

The part of Lot 1, Trinity Academy Addition beginning at the northwest corner of said Lot 1; thence south 1,210 feet; thence east 450 feet; thence south 572 feet; thence east 400 feet; thence north 572 feet; thence west 250 feet; thence north to the north line of said Lot 1; thence west to the point of beginning.

THE COLLECTIVE ADDITION

Lots 1 through 5, Block 1

(see attached parcel descriptions)

MESSIAH BAPTIST CHURCH 4TH ADDITION

Lot 1, Block A, except street

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That the method of assessment of all costs of the improvement for which the improvement district shall be liable shall be on a fractional basis. The fractional shares provided for herein have been determined on the basis of equal shares being assessed to lots or parcels of substantially comparable size and/or value: Lot 1, Block 1, WICHITA CLINIC ADDITION shall pay 5000/10,000 of the total cost payable by the improvement district. That part of Lot 1, TRINITY ACADEMY ADDITION described above shall pay 1250/10,000 of the total cost payable by the improvement district. Lot 1, Block A, MESSIAH BAPTIST ADDITION shall pay 1250/10,000 of the total cost payable by the improvement district. Lot 1, Block 1, THE COLLECTIVE ADDITION shall pay 194/10,000 of the total cost payable by the improvement district. Lot 2, Block 1, THE COLLECTIVE ADDITION shall pay 387/10,000 of the total cost payable by the improvement district. Lot 3 Part (Baxter), Block 1, THE COLLECTIVE ADDITION shall pay 131/10,000 of the total cost payable by the improvement district. Lot 3 Part (Jelco, LLC), Block 1, THE COLLECTIVE ADDITION shall pay 228/10,000 of the total cost payable by the improvement district. Lot 3 Part (Woodruff), Block 1, THE COLLECTIVE ADDITION shall pay 124/10,000 of the total cost payable by the improvement district. Lot 4, Block 1, THE COLLECTIVE ADDITION shall pay 695/10,000 of the total cost payable by the improvement district. Lot 5 Part (Jelco, LLC) (e), Block 1, THE COLLECTIVE ADDITION shall pay 148/10,000 of the total cost payable by the improvement district. Lot 5 Part (Jelco, LLC) (c), Block 1, THE COLLECTIVE ADDITION shall pay 297/10,000 of the total cost payable by the improvement district. Lot 5 Part (Fashion Ventures, LLC) (d), Block 1, THE COLLECTIVE ADDITION shall pay 296/10,000 of the total cost payable by the improvement district.

In the event all or part of the lots or parcels in the improvement district are replatted before assessments have been levied, the assessments against the replatted area shall be recalculated on the basis of the method of assessment set for herein. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq., as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED at Wichita, Kansas, December 13, 2005.

CARLOS MAYANS, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)